

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DENNIS M. DONOVAN,

Plaintiff,

v.

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY  
AND POPEO, P.C., ROBERT M. GAULT,  
individually, and PETER J. MARATHAS, JR.,  
individually,

Defendants.

Civil Action No.: 04-12110 (MLW)

**PLAINTIFF'S SUPPLEMENTAL MOTION TO IMPOUND**

Plaintiff, Dennis M. Donovan ("Donovan"), by his attorneys, Dan Solin, Esq. and Cain Hibbard Myers & Cook, PC, move for an order directing that the Amended Complaint filed in this action be impounded until further order of the Court. The grounds for this motion are as follows:

1. Donovan previously filed a Motion to Impound his Complaint to prevent a dispute with Raytheon Company ("Raytheon") regarding the disclosure of confidential information. The grounds for that motion are fully set forth in Donovan's Memorandum submitted with the Motion to Impound the Complaint. In summary, certain confidentiality obligations exist between Donovan and Raytheon. Donovan believes that those obligations are limited, but Raytheon has claimed that they are broad and expansive. The issue is the subject of a declaratory judgment action that is in its early stages (Civil Action No. 04-11980).

2. Donovan filed an Amended Complaint in this action, as a matter of right, on November 5, 2004. The Amended Complaint added allegations regarding causation in response to the Defendants' Motion to Dismiss.

3. As with the Complaint, Donovan believes that the Amended Complaint avoids areas of possible confidentiality, but because the scope of the obligations is unresolved, he requests that the Amended Complaint be impounded along with the Complaint until it is clear that the allegations will not be the subject of a dispute with Raytheon. Donovan further requests that the copy of the Amended Complaint submitted as Exhibit A to his Memorandum in Opposition to Defendants' Motion to Dismiss also be impounded.

4. The impoundment is requested until further order of the Court because it is uncertain when the declaratory judgment action will be resolved. If the return of the pleadings to Donovan is required in the post-impoundment period, Donovan's counsel will take custody of the documents directly from the Clerk.

5. Donovan refers the Court to the Memorandum of Law submitted with this Motion to Impound the Complaint.

6. Donovan's counsel attempted to resolve or narrow the issue presented on this motion, but Defendants' counsel declined to consent to the impoundment of the Amended Complaint.

WHEREFORE, Plaintiff, Dennis M. Donovan, requests that the Court issue an order impounding the Amended Complaint filed in Civil Action No. 04-12110, and the copy of the Amended Complaint submitted as Exhibit A to his Memorandum in Opposition to Defendants'

Motion to Dismiss, until further order of the Court and further directing that the Clerk of the Court delete any electronic copies on file.

**REQUEST FOR ORAL ARGUMENT**

Dated: November 23, 2004

**Dennis M. Donovan,**  
Plaintiff  
By His Attorneys,

/s/

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/s/

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